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Summary record of the 51st meeting
Held at Headquarters, New York, on Monday, 20 July 2015, at 3 p.m.

President: Mr. Oh Joon (Vice-President) ..... (Republic of Korea)

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In the absence of Mr. Sajdik (Austria), Mr. Oh Joon (Republic of Korea), Vice-President, took the Chair.

The meeting was called to order at 3.15 p.m.

Non-governmental organizations (*continued*) (E/2015/32 (Part II); E/2015/L.21 and E/2015/L.25)

1. **Ms. Lucas** (Observer for Luxembourg), speaking on behalf of the European Union and its member States; the candidate countries Albania, Montenegro and the former Yugoslav Republic of Macedonia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Armenia, Liechtenstein, the Republic of Moldova and Ukraine, said that the European Union had concerns about the functioning of the Committee on Non-Governmental Organizations. It considered that the involvement of civil society and non-governmental organizations (NGOs) was an essential part of the work of the United Nations, including the Council, and it attached great importance to their contribution to open, strong and democratic societies. The open expression of a variety of views benefited everyone and helped the States Members of the United Nations to make more informed decisions on a range of issues, as had been explicitly affirmed by the Council in its resolution 1996/31, to which the European Union remained committed.

2. In recent years, there had been increasing deviations from the guiding principles of resolution 1996/31. It was regrettable that some members of the Committee continued to use delaying tactics to defer applications, including by asking repeated questions, some of which went beyond the information that NGOs were required to submit pursuant to resolution 1996/31. In 2014, the Committee had recommended granting consultative status to 383 NGOs and had deferred 345 applications; in 2015 it had recommended granting consultative status to only 284 NGOs and had deferred 376 applications. That practice left many NGOs in a state of prolonged limbo or permanent deferral. The Committee should live up to its responsibility to make decisions within a reasonable time frame.

3. Opposition to granting consultative status to NGOs was often based solely on the fact that those organizations were critical of certain countries' human rights records or held views that were different from those of their Governments. States would never agree with all the views expressed by NGOs, but the latter should still be given the opportunity to express their views at the United Nations in accordance with resolution 1996/31.

4. The application submitted by the organization Freedom Now had been pending for over five years, even though it had answered almost 60 questions posed to it. The European Union strongly believed that organizations that met the criteria laid down in resolution 1996/31 and had an established record of work in pursuing the goals of the Universal Declaration of Human Rights, in conformity with the Charter of the United Nations, should not be subject to procedural measures amounting to permanent deferral.

5. It was also a matter of concern that the withdrawal of consultative status was sometimes used as a form of reprisal for the activities of certain NGOs. The Council had set out clear criteria in resolution 1996/31, especially paragraphs 56 and 57 thereof, for any decisions on withdrawal of status. If those provisions were not followed, the Committee's decisions became arbitrary. Furthermore, such cases must be subject to free, fair and transparent discussion, allowing for a full assessment by all Committee members. As the withdrawal of consultative status was the most extreme course of action foreseen in resolution 1996/31, it could not be thoroughly assessed within a single Committee session. The European Union disagreed on principle with any attempt to use the Committee's procedures to undermine its very purpose.

6. The European Union recalled that the core mandate of the Committee was to determine whether an organization's activities fell within the Council's competence and whether its aims and purposes were in conformity with the spirit, purposes and principles of the Charter. The negative trend evident in the functioning of the Committee gave rise to concern that the guiding principles for granting consultative status were gradually being undermined. The arrangements for consultations with NGOs had not been designed to promote the interests of States, but to allow civil society actors to support and enrich the work of the United Nations by providing different perspectives. The European Union valued such contributions, even when they were critical, and thus urged the States members of the Committee to work together to defend and uphold the guiding principles agreed in resolution 1996/31.

7. **Mr. Ríos Sánchez** (Observer for Mexico), also speaking on behalf of Chile and Uruguay, said that in today's globalized world, civil society played a crucial role in supporting and complementing the work of States in many spheres, addressing issues to which the former could not or would not pay attention. NGOs, through their relationship with the Council, had amply proven their usefulness and value added for the international community, supporting the ever broader agenda of the Organization and articulating the words and actions of civil society in all its diversity. The Committee's crucial function was thus to create and facilitate ways for those organizations to operate in the various fields where the United Nations was involved.

8. Regrettably, restrictions were being imposed on civil society and freedom of expression and assembly in various regions of the world. Reflecting those restrictions, civil society organizations were also encountering obstacles as they sought to participate in the work of the United Nations. Civil society had the potential to help achieve the goals of the United Nations, through contributions at both the national and multilateral levels. The Human Rights Council had recognized that potential, and had undertaken to help maintain, in both law and practice, an environment where civil society could operate free from threats and insecurity.

9. The procedures established by resolution 1996/31 were intended to be followed in a transparent, pluralistic and non-discriminatory fashion, in order to support the participation of NGOs in the work of the Organization. When deciding whether to grant consultative status to NGOs, the Committee should verify the independence and diversity of their personnel, and ensure that their objectives were in conformity with the purposes and principles of the Charter and contributed to the Council's work. However, that process was being undermined by certain practices, such as that of asking an NGO new questions each session, ultimately leading to endless postponement, which in practice constituted implicit refusal. The NGOs of developing countries frequently suffered in particular from cumbersome and dubious evaluation procedures that fell outside the real criteria for granting consultative status. It was of particular concern that such practices affected human rights NGOs to a major extent.

10. Pursuant to paragraph 57 of resolution 1996/31, the Committee on Non-Governmental Organizations should never be used as a forum for politically-motivated questioning, punishment or reprisals for views expressed by NGOs in their areas of work. Greater transparency in meetings of the Committee, particularly through webcasts, would therefore be beneficial. It was likewise important to promote the effective, balanced and equitable participation of organizations from all regions and on all topics. The recent launch of *A Practical Guide to the UN Committee on NGOs*, prepared by a well-known NGO, was a concrete asset to help facilitate participation in a fair and effective manner.

11. **Ms. Vladati** (Observer for the Islamic Republic of Iran) said that her Government attached great importance to the work of NGOs and the Committee, which paved the way for meaningful contributions by civil society to the Council's work, in accordance with resolution 1996/31.

12. As a member of the Committee, her delegation had been closely following the work of the Palestinian Return Centre, among others. After reading hundreds of pages of information regarding the work of this Centre in the United Kingdom, and elsewhere in Europe, Iran had concluded that the organization's aims fully complied with the Charter of the United Nations, resolution 1996/31 and international humanitarian law. It was a matter of concern that one delegation was seeking to misinform and mislead the Council and the Committee on Non-Governmental Organizations with regard to that organization. Attempts to undermine the Committee's decisions would create a dangerous precedent and slow the pace of civil society contributions as well. Her delegation hoped that the Council members would choose the right path by approving the Committee's recommendation that the Palestinian Return Centre should be granted consultative status.

Draft decision E/2015/L.21: Application of the non-governmental organization Freedom Now for consultative status with the Economic and Social Council

13. **The President** said that the draft decision had no programme budget implications.

14. **Ms. Sison** (United States of America), introducing the draft decision on behalf of the sponsors listed in the document (E/2015/L.21), said that Estonia and Japan had joined the list of sponsors. The draft

decision sought to grant special consultative status to Freedom Now, a widely respected NGO that had undertaken important work to free prisoners of conscience who were behind bars in many cases simply for exercising their freedom of expression. Archbishop Desmond Tutu, the honorary chair of the NGO, said that the organization was not only entitled to consultative status because it met the requirements, but also because it contributed to the mandate and mechanisms of the United Nations as envisioned in resolution 1996/31.

15. The application of Freedom Now had been pending for more than five years in the Committee, even though the organization had answered some 60 questions. The United States had pushed for action to put an end to unjust and inexcusable obstruction. The Council needed to act at the current meeting to break that unacceptable cycle. Her delegation hoped that the decision would be adopted by consensus; if a delegation called for a vote, however, she urged States to support Freedom Now by voting in favour of granting it consultative status.

16. **The President** said that Albania wished to join the list of sponsors.

17. **Mr. Hoxha** (Albania) said that under the Communist regime in Albania, the Constitution had stated that, although citizens enjoyed freedom of speech and a free press, such rights could not be exercised in opposition to the regime. In practice, draconian restrictions were imposed by the Government, ultimately rendering the word "freedom" devoid of all meaning. Propaganda against the State was criminalized and in some cases was punishable by death. In addition, individuals were imprisoned without trial if they were deemed to be a threat to the social system. As a consequence, tens of thousands of lives were destroyed, including through the incarceration of political prisoners and their families in labour camps. His delegation was recalling such dark times in order to make sure the Council understood what was at stake. Freedom Now clearly met the criteria for consultative status; the organization had also patiently waited for more than five years and actively sought the engagement of Committee members. The decision to grant Freedom Now consultative status was at the heart of the United Nations human rights mandate to support those who contributed to its work, often at great personal risk, as was the case with Freedom Now. As his country had paid a high price for freedom, it fully supported Freedom Now in its efforts to improve respect for human rights and support for the rights of political prisoners. If the statements made, resolutions adopted and reports issued by the Organization and its Member States with regard to human rights had any real meaning, then Freedom Now should immediately be granted consultative status. It was the Council's duty to ensure that NGOs with established records were entitled to express their views at the United Nations. Albania would vote in favour of granting Freedom Now consultative status if the matter were put to a vote, and encouraged others to do likewise.

18. **The President** said that a recorded vote had been requested on draft decision E/2015/L.21.

19. **Ms. Sison** (United States of America) said that she would like to know which delegation had requested a recorded vote.

20. **The President** said that the delegations of China, Pakistan, the Russian Federation and the Sudan had requested the recorded vote.

21. A recorded vote was taken.

In favour:

Albania, Australia, Austria, Benin, Brazil, Colombia, Congo, Croatia, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Italy, Japan, Panama, Portugal, Republic of Korea, San Marino, Sweden, Switzerland, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against:

Bolivia (Plurinational State of), China, Kazakhstan, Kyrgyzstan, Pakistan, Russian Federation, South Africa, Sudan, Zimbabwe.

Abstaining:

Argentina, Bangladesh, Botswana, Burkina Faso, Ghana, India, Kuwait, Mauritania, Nepal, Trinidad and Tobago, Uganda.

22. *Draft decision E/2015/L.21 was adopted by 29 votes to 9, with 11 abstentions.**

* The delegation of the Congo subsequently informed the Council that it had intended to abstain.

Draft decision E/2015/L.25: Application of the non-governmental organization Palestinian Return Centre for consultative status with the Economic and Social Council

23. **The President** said that the draft decision had no programme budget implications.

24. **Mr. Roet** (Observer for Israel), introducing draft decision E/2015/L.25, said that Australia, Canada and the United States had joined the list of sponsors. Israel greatly appreciated the work of civil society and deemed the involvement of NGOs to be crucial for the protection of human rights and sustainable development. It had supported the granting of consultative status to many worthy NGOs, Regrettably, however, the Committee's work had become more political, and it had sometimes forgotten its responsibility to prevent organizations from gaining access to the United Nations if their principles contradicted those contained in the Charter. Despite the fact that Israel and other Member States had brought grave concerns and questions before the Committee, certain members had decided to ignore the common practice of raising questions to deliberate on an application. This had compelled Israel to submit the draft decision not to grant consultative status to the Palestinian Return Centre.

25. The Palestinian Return Centre was not what it claimed. Not only was it affiliated with Hamas, a recognized terrorist organization responsible for the deaths of countless Israeli civilians, but it was an essential part of its network in Europe. National intelligence agencies, world media sources and independent research centres had all cited numerous connections between the Centre and Hamas. The Centre recruited and radicalized individuals throughout Europe and openly called for the annihilation of the State of Israel. In its application, it was clear that the organization was financed by well-known terrorist funding sources such as Interpal and Comité de Bienfaisance et de Secours aux Palestiniens. The denial of terrorist affiliations was deceitful, as a Hamas leader had called the head of the Palestinian Return Centre to congratulate the organization on obtaining consultative status at the United Nations. Although the conversation had subsequently been denied, his delegation had preserved a screenshot proving its existence.

26. His delegation urged the Council not grant to consultative status to the Palestinian Return Centre, as the organization openly promoted terrorism and thus did not comply with Council resolution 1996/31 and the Charter of the United Nations. The activities of the Palestinian Return Centre clearly violated the first stated purpose of the United Nations, namely, to maintain international peace and security. A decision to grant the Centre consultative status would set a precedent and pave the way for other terror-affiliated organizations to gain access to the United Nations system. Member States had the opportunity to stop a dangerous trend by sending a clear message to terrorist organizations around the world. If the Palestinian Return Centre were to be granted consultative status, the international community should not be surprised if Jabhat al-Nusra, Al-Qaida and ISIS also applied for consultative status in the future, as Hamas would provide them with a roadmap for access to the United Nations behind the façade of a human rights or development organization. His delegation called on all Council members to adopt the draft decision by consensus in order to protect the United Nations. If a recorded vote were to be called, his delegation urged States to support the draft decision, thereby making the right moral choice and defending the Organization's values.

27. **The President** said that a recorded vote had been requested on draft decision E/2015/L.25.

28. **Ms. Sison** (United States), speaking in explanation of vote before the voting, said that her delegation had voted in the Committee against granting consultative status to the Palestinian Return Centre because of serious and lingering concerns about its background and activities. The organization's application had only been under consideration for one year when some delegations had pushed prematurely for action. As a result, questions had not been sufficiently addressed, especially regarding the Centre's work with organizations in Syria and Lebanon.

29. The United States strongly supported the voices of civil society at the United Nations, as it had shown by supporting numerous NGOs, even when it disagreed with their policies. Her delegation could not, however, support accreditation for the Palestinian Return Centre, owing to outstanding legitimate questions about its activities and leadership which must be addressed before consultative status could be granted. Her delegation would vote in favour of the decision not to grant special consultative status to the Palestinian Return Centre.

30. **Ms. Hullman** (Germany), speaking in explanation of vote before the voting, said that

although Germany was not a member of the Committee on Non-Governmental Organizations, her delegation had followed the case very closely. Important questions about the work and leadership of the Palestinian Return Centre remained unanswered and had been cut short by a vote. Further discussions and consultations were necessary. Although her delegation was generally a staunch supporter of participation by NGOs and civil society in the work of the United Nations, and had backed the accreditation of countless other organizations, it could not vote in favour of granting consultative status to the Palestinian Return Centre; nor could it abstain from voting.

31. *A recorded vote was taken.*

In favour:

Albania, Australia, Austria, Botswana, Croatia, Estonia, Finland, France, Germany, Greece, Italy, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against:

Argentina, Bangladesh, Bolivia (Plurinational State of), Brazil, China, Kazakhstan, Kuwait, Kyrgyzstan, Mauritania, Pakistan, Russian Federation, South Africa, Sudan, Trinidad and Tobago, Tunisia, Zimbabwe.

Abstaining:

Benin, Burkina Faso, Colombia, Congo, Ghana, Guatemala, Honduras, India, Japan, Nepal, Panama, Portugal, Republic of Korea, San Marino, Sweden, Switzerland, Togo, Uganda.

32. *Draft decision E/2015/L.25 was rejected by 16 votes to 13, with 18 abstentions.*

33. **Mr. Shearman** (United Kingdom) said that the involvement of civil society and NGOs was an essential part of the work of the United Nations, including the Council. His delegation attached great importance to their contribution in building strong, open and democratic societies, and remained committed to the principles set out in Council resolution 1996/31. However, in the case of the Palestinian Return Centre, serious questions had been raised as to whether the aims, principles and activities of the organization were compatible with the spirit, purposes and principles of the Charter of the United Nations, pursuant to resolution 1996/31. Consequently, his delegation had voted in support of the draft decision submitted by Israel to oppose the granting of special consultative status to the Palestinian Return Centre at the present time.

Action on recommendations contained in the report of the Committee on Non-Governmental Organizations on its 2015 resumed session (E/2015/32 (Part II))

Draft decision I: Applications for consultative status and requests for reclassification received from non-governmental organizations

34. **The President** invited the Council to take action on draft decision I entitled "Applications for consultative status and requests for reclassification received from non-governmental organizations", as amended by the adoption of draft decision E/2015/L.21.

35. *Draft decision I, as amended, was adopted.*

36. **The President** invited the Council to take action on seven draft decisions recommended by the Committee on Non-Governmental Organizations, which were contained in chapter I of its report (E/2015/32 (Part II)).

Draft decision II: Withdrawal of consultative status of the non-governmental organization African Technical Association

Draft decision III: Withdrawal of consultative status of the non-governmental organization African Technology Development Link

Draft decision IV: Suspension of consultative status of non-governmental organizations with outstanding quadrennial reports, pursuant to Council resolution 2008/4

Draft decision V: Reinstatement of consultative status of non-governmental organizations that submitted outstanding quadrennial reports, pursuant to Council resolution 2008/4

Draft decision VI: Withdrawal of consultative status of non-governmental organizations in accordance with Council resolution 2008/4

Draft decision VII: Dates and provisional agenda of the 2016 session of the Committee on Non-Governmental Organizations

Draft decision VIII: Report of the Committee on Non-Governmental Organizations on its 2015 resumed session

37. *Draft decisions II, II, IV, V, VI, VII and VIII were adopted.*

The meeting rose at 4.10 p.m.